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INSTRUMENT PREPARED BY
VIRGINIA GAS AND OIL BOARD

ORDER RECORDED UNDER CODE
OF VIRGINIA SECTION 45.1-361.26

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

APPLICANTS: Hurt McGuire Land Trust, and)
Thomas Stilwell Heirs, being Beulah V.)
Osborne, Martha J. Stilwell, Virginia N.)
Stilwell, Nancy Jackson, Darlene Ward,)
Maxie Boyd, Ruth Osborne Smith, Judy)
Blankenship, John Osborne, Ida Proffitt)
Hubbard Osborne, Arlin W. Osborne, Jackie)
D. Osborne, Marvin J. Osborne, Leonard C.)
Stilwell, Connie Stilwell, Wanda Hagy,)
Bessie Lowe, Bernadine R. Lisburg, Gladys)
E. Pollert, David W. Stilwell, Thomas H.)
Stilwell, Daniel J. Stilwell, Burnice R.)
Lamb (Herein, "Thomas Stilwell Heirs)
Subject to Split Agreement"))

RELIEF SOUGHT: Issuance of an Amended Supplemental)
Order Amending Prior Orders Affecting)
Drilling Unit S-36 Located in the Garden)
Districe, Buchanan County, VA)
(herein "Subject Drilling Unit") to Provide:)
(1) Calculation of Funds Unit Operator)
Deposited into the Escrow Account for)
Subject Drilling Unit by Tract Subaccounts;)
(2) to Applicants a Royalty Accounting; and)
(3) Disbursement to Applicants in)
accordance with their ownership interests)
Those Funds Deposited by the Unit Operator)
into Subject Drilling Unit's Escrow)
Subaccount for VGOB Tract 4.)

DOCKET NO.
98-0324-0626-04

REPORT OF THE BOARD
FINDINGS AND ORDER

1. **Hearing Date and Place:** This matter came on for final hearing before the Virginia Gas and Oil Board (herein "Board") at 9:00 a.m. on May 16, 2006 at the Southwest Virginia Higher Education Center on the campus of Virginia Highlands Community College, Abingdon, VA.
2. **Appearances:** Mark Swartz, Esq. appeared for the Unit Operator; and Sharon M.B. Pigeon, Assistant Attorney General, was present to advise the Board.
3. **Jurisdiction and Notice:** Pursuant to Va. Code §§ 45.1-361.1 *et seq.*, and in particular Va. Code §§ 45.1-361.21 and 45.1-361.22, the Board finds that it has jurisdiction over the establishment and maintenance of an escrow account, with tract subaccounts, for each of the coalbed methane gas drilling units established by the Board through its field rules that are subject to a Board pooling order. Further, the Unit Operator is required to deposit, as applicable, those funds specified in Va. Code § 45.1-361.21.D., 45.1-361.22.A.2, 45.1-361.22.A.3 and 45.1-361.22.A.4 into the applicable

escrow tract subaccounts. The Board finds that: (1) while it does not have jurisdiction to resolve conflicting claims to the ownership of the Coalbed Methane Gas produced by the Unit Operator from wells located on Subject Drilling Unit, and (2) while it does not have jurisdiction to interpret agreements by and between the Gas owners/claimants and/or the Unit Operators or to abridge or contravene the provisions of such agreements, (3) pursuant to Va. Code § 45.1-361.22.A.5, the Board does have jurisdiction and authority to disburse funds from the Escrow Account provided the Board has been provided with a final decision of a court of competent jurisdiction adjudicating the ownership of coalbed methane gas as between the conflicting claimants or an agreement among all claimants owning conflicting estates in the tract in question or any undivided interest therein.

4. **Prior Proceedings:**

- 4.1. On May 11, 1998, the Board executed its order pooling interests in the Subject Drilling Unit for the production of occluded natural gas produced from coalbeds and rock strata associated therewith (herein "Gas") in accordance with the provisions of Va. Code §§ 45.1-361.21 and 45.1-361.22. The Pooling Order was filed with the Clerk of the Circuit Court of Buchanan County on May 14, 1998 in Deed Book 476 at Page 133. On May 3, 1999, the Board executed its Supplemental Order Regarding Elections which was filed with the Clerk on July 14, 1998 in Deed Book 478 at page 700. On June 15, the Board approved re-pooling of the unit, the order for which was filed with the Clerk on September 16, 1999 in Book 496 at Page 512. On May 1, 2000, the Board executed its Supplemental Order Regarding Elections which was filed with the Clerk on May 3, 2000 in Deed Book 478 at page 700. On November 17, 1999, the Board again approved re-pooling of the unit, the order for which was filed with the Clerk on January 21, 2000 in Book 501 at Page 197. On May 1, 2000, the Board executed its Supplemental Order Regarding Elections which was filed with the Clerk on May 3, 2000 in Deed Book 506 at page 688. On January 20, 2004, the Board approved final re-pooling of the unit, the order for which was filed with the Clerk on April 2, 2004 in Book 589 at Page 704. (hereafter all orders are collectively referred to as the "Pooling Orders"). On June 17, 2003, The Board executed an order without docket number amending all prior pooling orders that named Buchanan Production Company, Pocahontas Gas Partnership, Island Creek Coal Company or Consol Energy, Inc. as unit operator, and designated CNX Gas Company, LLC as operator. In Buchanan County, the amendment order was recorded with the Buchanan County Clerk in Deed Book 585, Page 65.
- 4.2 To the extent claims to the Gas were in conflict, pursuant to Va. Code § 45.1-361-22 payments attributable to said conflicting claims were ordered deposited by the Unit Operator into the escrow account established by the Pooling Order (herein "Escrow Account"). According to the Pooling Orders the coalbed methane claims of oil and gas fee owners Thomas Stilwell Heirs Subject to Split Agreement and coal fee owner Hurt McGuire Land Trust in a 7.57-acre tract known as VGOB Tract 4 in the Subject Drilling Unit were in conflict and became subject to the escrow requirements of the Pooling Order.
- 4.3 The Unit Operator's Miscellaneous Petition regarding VGOB Tract 4, a copy of which is attached to and made a part hereof, and testimony states under oath that Thomas Stilwell Heirs Subject to Split Agreement and Hurt McGuire Land Trust have entered into a royalty split agreement; and that by the terms of that agreement escrow regarding the conflicting claims of said parties is no longer required. By sworn testimony before the Board on April 18, 2006 and May 16, 2006, the Unit Operator testified that VGOB Tract 4 and the interests of Thomas Stilwell Heirs Subject to Split Agreement and Hurt McGuire Land Trust are subject to the split agreement. The Unit Operator's Miscellaneous Petition additionally requested disbursement of funds from Tract 3 and the conflicting claims of certain Linkous Horne Heirs and Hurt McGuire Land Trust. The Board, on May 16, 2006, denied disbursement of funds attributable to Tract 3 due to objections of respondents having interests in that tract.

- 4.4 Applicants gave notice to Thomas Stilwell Heirs Subject to Split Agreement and Hurt McGuire Land Trust that the Board would take the petition referred to in Paragraph 4.3 above under consideration and consider whether to: (1) amend the Pooling Order to provide for the disbursement of funds on deposit in the Escrow Account attributable to Tract 4 and the interests of Thomas Stilwell Heirs Subject to Split Agreement and Hurt McGuire Land Trust, (2) delete the requirement that the Unit Operator place future royalties attributable to Tract 4 and the interests of Thomas Stilwell Heirs Subject to Split Agreement and Hurt McGuire Land Trust in the Escrow Account, and (3) continue the escrow account under this docket number because parties other than those seeking disbursement under this order are subject to escrow.
- 4.5 The Unit Operator filed the attached accounting for Subject Drilling Unit's Escrow Account with the Board ("Accounting").

5. **Findings:**

5.1. Va. Code 45.1-361.22.5 provides:

The Board shall order payment of principal and accrued interests, less escrow account fees, from the escrow account to conflicting claimants within thirty days of receipt of notification of (i) a final decision of a court of competent jurisdiction adjudicating the ownership of coalbed methane gas as between them or (ii) an agreement among all claimants owning conflicting estates in the tract in question or any undivided interest therein. The amount to be paid to the conflicting claimants shall be determined based on the percentage of ownership interest of the conflicting claimants as shown in the operator's supplemental filing made part of the pooling order that established the escrow account, the operator's records of deposits attributable to those tracts for which funds are being requested, and the records of the escrow account for the coalbed methane gas drilling unit. The interests of any cotenants who have not entered into an agreement shall remain in the escrow account.

5.2 Applicant has certified and represented to the Board that:

- (1) Thomas Stilwell Heirs Subject to Split Agreement are fee owners of a portion of the oil and gas rights in Tract 4, and Hurt McGuire Land Trust is fee owner of coal rights in Tract 4 of the Subject Unit.
- (2) Thomas Stilwell Heirs Subject to Split Agreement and Hurt McGuire Land Trust have entered into a royalty split agreement specifying that escrowed funds are to be divided with 50% going to the gas owner and 50% going to the coal owner, and also specifying that future royalties be paid directly to the owners according to the split agreement.
- (3) Net interests attributable and to be disbursed to Applicants are shown in Table 1, Below.

| TABLE 1 | | | |
|---|---------|-----------|--|
| Owners | Tract # | Net Acres | % interest in 98-1020-0695 sub-account |
| Hurt McGuire Land Trust (50%) C/O Charles Green, P. O. Box 1067, Bluefield, VA 24605 | 4 | 7.57 | 36.1111% |
| Thomas Stilwell Heirs Subject to Split Agreement (50%) (Individually) | 4 | 7.57 | |
| Beulah Osborne HC 62 Box 109, Raven, VA 24639 | | | 1.0957% |
| Martha J. Stilwell HC 62 Box 95, Raven, VA 24639 | | | 1.0957% |
| Virginia N. Stilwell HC 62 Box 97, Raven, VA 24639 | | | 1.0957% |

| | |
|---|---------|
| Nancy Jackson P. O. Box 448, Doran, VA 24612 | 0.0913% |
| Darlene Ward 117 Franklin Ave., Richlands, VA 24641 | 0.0913% |
| Maxie Boyd P. O. Box 972, Raven, VA 24639 | 1.1826% |
| Ruth Osborne Smith P. O. Box 672, Doran, VA 24612 | 1.1826% |
| Judy Blankenship Box 221, Doran, VA 24612 | 1.1826% |
| John Osborne Box 6, Shortt Gap, VA 24647 | 1.1826% |
| Ida Proffitt Box 6, Shortt Gap, VA 24647 | 1.1826% |
| Hubbard Osborne HC 62 Box 89, Raven, VA 24639 | 0.1217% |
| Arlin W. Osborne P. O. Box 446, Raven, VA 24639 | 0.1217% |
| Jackie D. Osborne Rt. 1 Box 209, Raven, VA 24639 | 0.1217% |
| Marvin J. Osborne P. O. Box 537, Richlands, VA 24641 | 0.1217% |
| Leonard C. Stilwell P. O. Box 932, Raven, VA 24639 | 0.1217% |
| Connie Stilwell P. O. Box 1035, Raven, VA 24639 | 0.1217% |
| Wanda Hagy P. O. Box 1738, Richlands, VA 24641 | 0.1217% |
| Bessie Lowe P. O. Box 47, Shortt Gap, VA 24647 | 0.1217% |
| Bernadine R. Lisburg 1418 First Avenue South, Fargo, ND 58103 | 0.3652% |
| Gladys E. Pollert 1121 29 th Street NW, Fargo, ND 58102 | 0.1217% |
| David W. Stilwell 244 Texas St. Apt. #214, Rapid City, SD 57701 | 0.1217% |
| Thomas H. Stilwell 27 Horseshoe Bend, Fargo, ND 58104 | 0.1217% |
| Daniel J. Stilwell 100 Third St. NW No. D77, Mandan, ND 58554 | 0.1217% |
| Bernice R. Lamb 2225 Second Ave. West, International Falls, MN 56649 | 0.1217% |

6. **Relief Granted:**

For the reasons set forth in Paragraph 4 and 5 above, and based upon the Accounting, the Escrow Agent is ordered to, within 10 days of receipt of this executed order, disburse funds attributable to VGOB Tract 4 and the interests of Thomas Stilwell Heirs Subject to Split Agreement, individually, and Hurt McGuire Land Trust according to percentages shown in Table I, above, and mail each recipients payment to the address shown in Table I, above.

Exhibit E to the Pooling Orders, showing owners subject to escrow, is deleted in toto and replaced with the Exhibit E attached to this order. Further, the Supplemental Order filed in this cause is hereby modified to delete the requirement that payments attributable to the conflicting coalbed methane gas ownership interests of Thomas Stilwell Heirs Subject to Split Agreement and Hurt McGuire Land Trust in VGOB Tract 4 be deposited by the Unit Operator into the Escrow Account, and, because there are other owners subject to escrow under the Supplemental Order, the Escrow Agent is directed to continue the Escrow Account for Subject Drilling Unit. To the extent not specifically granted herein, any other or further relief is denied.

7. **Conclusion:**

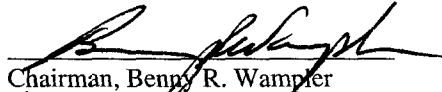
Therefore, the requested relief and all terms and provisions set forth above in Paragraph 6 above be and hereby are granted and IT IS SO ORDERED.

8. **Appeals:**

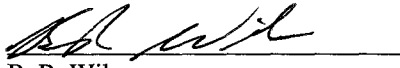
Appeals of this Order are governed by the provisions of Va. Code § 45.1-361.9 which provides that any order or decision of the Board may be appealed to the appropriate circuit court and that whenever a coal owner, coal operator, gas owner, gas operator, or operator of a gas storage field certificated by the State Corporation Commission is a party in such action, the court shall hear such appeal de novo.

9. **Effective Date:** This Order shall be effective on the date of its execution.

DONE AND EXECUTED this 19th day of September, 2006, by a majority of the Virginia Gas and Oil Board.



Chairman, Benny R. Wampler

DONE AND PERFORMED this 19th day of September, 2006, by an Order of this Board.


B. R. Wilson
Principal Executive to the Staff
Virginia Gas and Oil Board

COMMONWEALTH OF VIRGINIA)
COUNTY OF ~~WISE~~)


Washington
Acknowledged on this 9th day of September, 2006, personally before me a notary public in and for the Commonwealth of Virginia, appeared Benny R. Wampler, being duly sworn did depose and say that he is Chairman of the Virginia Gas and Oil Board, that he executed the same and was authorized to do so.


~~Susan G. Garfett~~
Notary Public

My Commission expires: 9/30/09

COMMONWEALTH OF VIRGINIA)
COUNTY OF WASHINGTON)

Acknowledged on this 19th day of September, 2006, personally before me a notary public in and for the Commonwealth of Virginia, appeared B. R. Wilson, being duly sworn did depose and say that he is Principal Executive to the Staff of the Virginia Gas and Oil Board, that he executed the same and was authorized to do so.


Diane J. Davis
Notary Public

My commission expires: 9/30/09

BEFORE THE VIRGINIA GAS AND OIL BOARD

PETITIONER: CNX Gas Company LLC

DIVISION OF GAS AND OIL
DOCKET NO: VGOB 98-0324-0626-09

RELIEF SOUGHT: (1) DISBURSEMENT FROM
ESCROW REGARDING TRACT(S) 3 and 4
(2) AND AUTHORIZATION FOR DIRECT
PAYMENT OF ROYALTIES

HEARING DATE: April 18, 2006

DRILLING UNIT: S-36

BUCHANAN COUNTY, VIRGINIA

MISCELLANEOUS PETITION

1. **Petitioner and its counsel:** Petitioner is **CNX Gas Company LLC**, P. O. Box 947, Bluefield, Virginia 24605, 276/988-1000. Petitioner's counsel is Mark A. Swartz, **SWARTZ LAW OFFICES, PLLC**, P.O. Box 517, Abingdon, VA 24212.

2. **Relief sought:** (1) the disbursement of escrowed funds heretofore deposited with the Board's Escrow Agent(s) attributable to portions of Tract(s) 3 and 4 as depicted upon the annexed Exhibit A; and (2) authorization to begin paying royalties directly to the parties to the royalty split between Hurt McGuire Land Trust and certain individuals of the Thomas Stilwell heirship property; Hurt McGuire Land Trust and certain individuals of the Linkous Horn heirship property (see attached Exhibit A for details).

3. **Legal Authority:** Va. Code Ann. § 45.1-361.1 et seq., 4 VAC 25-160-140., and relevant Virginia Gas and Oil Board Orders ("Board") heretofore promulgated pursuant to law.

4. **Type of well(s):** Coalbed methane.

5. **Factual basis for relief requested:** Hurt McGuire Land Trust and certain individuals of the Thomas Stilwell heirship property; Hurt McGuire Land Trust and certain individuals of the Linkous Horn heirship property (see attached Exhibit A for details), have entered into a royalty split agreement. Said royalty split agreement allows the Applicant and Designated Operator to pay royalties directly to the persons identified in Exhibit EE annexed hereto and the annexed Exhibit A, further, specifies how said royalties are to be divided and paid.

6. **Attestation:** The foregoing Petition to the best of my knowledge, information, and belief is true and correct.

CNX GAS COMPANY LLC
BY IT'S PROFESSIONAL MANAGER
CNX GAS COMPANY LLC, PETITIONER

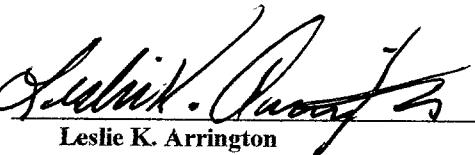
By 
Leslie K. Arrington
Manager – Environmental / Permitting
CNX Gas Company LLC
P.O. Box 947
Bluefield, Virginia 24605
276/988-1000

Exhibit A
Tract-by-Tract Escrow Calculation
Account Balances as of 2/28/06

Unit S-36
VGOB 98-0324-0626-04
Acres Escrowed: 43.18

| Owners | Tract # | Acres | Total Tract Percent of Escrow | Fractional Interest | Owners' Percent of Escrow (50%) | Amount Due Owners \$189,191.19 |
|-------------------------|---------|-------|-------------------------------------|------------------------|---------------------------------------|--------------------------------------|
| Hurt McGuire Land Trust | 3 | 27.44 | 63.5479% | --- | 31.7740% | \$60,113.55 |
| Linkous Horn Heirs | | | | | 31.7740% | \$60,113.55 |
| | | | | | | |
| Hurt McGuire Land Trust | 4 | 7.57 | 17.5313% | | 8.7656% | \$16,583.80 |
| Thomas Stilwell Heirs | | | | | 8.7656% | \$16,583.80 |
| Beulah V. Osborne | | | | 1/8 | 1.0957% | \$2,072.98 |
| Martha J. Stilwell | | | | 1/8 | 1.0957% | \$2,072.98 |
| Virginia N. Stilwell | | | | 1/8 | 1.0957% | \$2,072.98 |
| Nancy Jackson | | | | 1/96 | 0.0913% | \$172.75 |
| Darlene Ward | | | | 1/96 | 0.0913% | \$172.75 |
| Maxie Boyd | | | | 1/48 | 0.1826% | \$345.50 |
| Ruth Osborne Smith | | | | 1/48 | 0.1826% | \$345.50 |
| Judy Blankenship | | | | 1/48 | 0.1826% | \$345.50 |
| John Osborne | | | | 1/48 | 0.1826% | \$345.50 |
| Ida Proffitt | | | | 1/48 | 0.1826% | \$345.50 |
| Hubbard Osborne | | | | 1/72 | 0.1217% | \$230.33 |
| Arlin W. Osborne | | | | 1/72 | 0.1217% | \$230.33 |
| Jackie D. Osborne | | | | 1/72 | 0.1217% | \$230.33 |
| Marvin J. Osborne | | | | 1/72 | 0.1217% | \$230.33 |
| Leonard C. Stilwell | | | | 1/72 | 0.1217% | \$230.33 |
| Connie Stilwell (Jay) | | | | 1/72 | 0.1217% | \$230.33 |
| Wanda Hagy | | | | 1/72 | 0.1217% | \$230.33 |
| Bessie Lowe | | | | 1/72 | 0.1217% | \$230.33 |
| Bernadine R. Lisburg | | | | 1/24 | 0.3652% | \$690.99 |
| Gladys E. Pollert | | | | 1/72 | 0.1217% | \$230.33 |
| David W. Stilwell | | | | 1/72 | 0.1217% | \$230.33 |
| Thomas H. Stilwell | | | | 1/72 | 0.1217% | \$230.33 |
| Daniel J. Stilwell | | | | 1/72 | 0.1217% | \$230.33 |
| Bernice R. Lamb | | | | 1/72 | 0.1217% | \$230.33 |

Information presented here is for reference use only, CNX is not responsible for determinations made using the data represented here.

This information is for estimation purposes only.

2.734 Acres Disbursed (50%)
 $\times 2$
5.468

Exhibit E
Unit S-36
Docket # VGOB 98-0324-0626-04
List of Conflicting Owners/Claimants that require escrow

| | Acres in Unit | Percent of Unit | Division of Interest in | |
|---|--------------------------------------|-----------------|-------------------------|----------------------|
| | | | 6-Right 5.74713% | 7-Right 16.34981% |
| <u>Tract #3, 27.44 acres</u> | | | | |
| <u>COAL FEE OWNERSHIP</u> | | | | |
| (1) Hurt McGuire c/o Charles Green P.O. Box 1067 Bluefield, VA 24605 | 27.44 acres | 34.3000% | 1.97127% | 5.60798% |
| <u>OIL & GAS FEE OWNERSHIP</u> | | | | |
| Linkous Horn Heirs, Devisees, Successors or Assigns | 27.44 acres | 34.3000% | 1.97127% | 5.60798% |
| (1) Arizona Osborne Heirs, Devisees, Successors or Assigns | | | | |
| (a) Sydney Smith 1911 McVetty Road Salem, VA 24153 | 0.9147 acres 1/30 of 27.44 acres | 1.1433% | 0.06571% | 0.18693% |
| (b) Kenneth R. Osborne 848 Peyton Street Roanoke, VA 24019 | 0.9147 acres 1/30 of 27.44 acres | 1.1433% | 0.06571% | 0.18693% |
| (c) Martha Guiliams 1911 McVetty Road Salem, VA 24153 | 0.9147 acres 1/30 of 27.44 acres | 1.1433% | 0.06571% | 0.18693% |
| (2) Lydia Bell Blankenship Heirs, Devisees, Successors or Assigns | | | | |
| (a) Noah & Mary Jane Keen Rt. 1, Box 154 Raven, VA 24639 | 0.2495 acres 1/110 of 27.44 acres | 0.3118% | 0.01792% | 0.05098% |
| (b) Shirley Keen Rt.1 Box 159R Raven, VA 24639 | 0.2495 acres 1/110 of 27.44 acres | 0.3118% | 0.01792% | 0.05098% |
| (c) Patsy & Clyde Moore Rt. 1, Box 138 Raven, VA 24639 | 0.2495 acres 1/110 of 27.44 acres | 0.3118% | 0.01792% | 0.05098% |
| (d) Brenda Sue & Eddie Justice P. O. Box 627 Keen Mountain, VA 24624 | 0.2495 acres 1/110 of 27.44 acres | 0.3118% | 0.01792% | 0.05098% |
| (e) James R. Osborne P. O. Box 484 Keen Mountain, VA 24624 | 0.2495 acres 1/110 of 27.44 acres | 0.3118% | 0.01792% | 0.05098% |
| (f) Clifford Osborne Heirs, Devisees, Successors or Assigns | | | | |
| (f.1) Phyllis W. Osborne Rt.1 Box 157E Raven, VA 24639 | 0.2495 acres 1/110 of 27.44 acres | 0.3118% | 0.01792% | 0.05098% |

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Unit S-36
Docket # VGOB 98-0324-0626-04
List of Conflicting Owners/Claimants that require escrow

| | Acres in Unit | Percent of Unit | Division of Interest in | |
|---|--------------------------------------|-----------------|--|----------------------|
| | | | 6-Right 5.74713% | 7-Right 16.34981% |
| (g) Ronnie & Sherry Osborne P. O. Box 12 Oakwood, VA 24631 | 0.2495 acres 1/110 of 27.44 acres | 0.3118% | 0.01792% | 0.05098% |
| (h) Charles M. Osborne 216 Plantation Drive Richlands, VA 24641 | 0.2495 acres 1/110 of 27.44 acres | 0.3118% | 0.01792% | 0.05098% |
| (i) Richard & Debbie Osborne P. O. Box 541 Keen Mountain, VA 24624 | 0.2495 acres 1/110 of 27.44 acres | 0.3118% | 0.01792% | 0.05098% |
| (j) William Osborne Heirs, Devisees, Successors or Assigns | | | | |
| (j.1) Ruth Keen | | | <i>(Deed of Gift to Joyce Lineberry 3/16/03)</i> | |
| (j.1.1) Joyce Lineberry 110 Barn View Lane Woodleaf, NC 27054 | 0.2495 acres 1/110 of 27.44 acres | 0.3118% | 0.01792% | 0.05098% |
| (k) John David Osborne Heirs, Devisees, Successors or Assigns | | | | |
| (k.1) Darlene B. Osborne Rt.1 Box 157 Raven, VA 24639 | 0.2495 acres 1/110 of 27.44 acres | 0.3118% | 0.01792% | 0.05098% |
| (3) Henry Horn Heirs, Devisees, Successors or Assigns | | | | |
| (a) Perry W. Horn P.O. Box 33 Raven, VA 24639 | 0.9147 acres 1/30 of 27.44 acres | 1.1433% | 0.06571% | 0.18693% |
| (b) Larry M. Horn Heirs, Devisees, Successors or Assigns <i>Heirs / Address Unknown</i> | 0.9147 acres 1/30 of 27.44 acres | 1.1433% | 0.06571% | 0.18693% |
| (c) Ivory Horn Heirs, Devisees, Successors or Assigns | | | | |
| (c.1) Patricia D. Horton P.O. Box 65 Raven, VA 24639 | 0.1524 acres 1/180 of 27.44 acres | 0.1906% | 0.01095% | 0.03116% |
| (c.2) Nellie A. Maynard P.O. Box 296 Raven, VA 24639 | 0.1524 acres 1/180 of 27.44 acres | 0.1906% | 0.01095% | 0.03116% |
| (c.3) Tammy D. Boyd 195 Taylor Circle Raven, VA 24639 | 0.1524 acres 1/180 of 27.44 acres | 0.1906% | 0.01095% | 0.03116% |
| (c.4) Margaret E. Dye 784 Big Creek Road Richlands, VA 24641 | 0.1524 acres 1/180 of 27.44 acres | 0.1906% | 0.01095% | 0.03116% |

Exhibit E
Unit S-36
Docket # VGOB 98-0324-0626-04
List of Conflicting Owners/Claimants that require escrow

| | | Acres in Unit | Percent of Unit | Division of Interest in | |
|---|---|------------------------------------|-----------------|-------------------------|----------------------|
| | | | | 6-Right 5.74713% | 7-Right 16.34981% |
| (6) | Nancy Ann Horn Stilwell Rt. 4, Box 722 North Tazewell, VA 24630 | 0.7610 acres 1/10 of 7.61 acres | 0.9513% | 0.05467% | 0.15553% |
| (7) | Earnest Horn Heirs, Devisees, Successors or Assigns | | | | |
| (a) | Dorothy Horn 305 Bane Bottom Avenue Cedar Bluff, VA 24609 | 0.7610 acres 1/10 of 7.61 acres | 0.9513% | 0.05467% | 0.15553% |
| (8) | Martha Smith P. O. Box 395 Max Meadows, VA 24360 | 0.7610 acres 1/10 of 7.61 acres | 0.9513% | 0.05467% | 0.15553% |
| (9) | Sarah Horn Day P. O. Box 208 Peterstown, WV 24963 | 0.7610 acres 1/10 of 7.61 acres | 0.9513% | 0.05467% | 0.15553% |
| (10) | Carl Horn Heirs, Devisees, Successors or Assigns | | | | |
| (a) | Marilyn Taylor RR1 Box 1445 ✓ Pounding Mill, VA 24637 | 0.7610 acres 1/10 of 7.61 acres | 0.9513% | 0.05467% | 0.15553% |
| <u>OIL & GAS CLAIMANT, (Surface Owner)</u> | | | | | |
| (2) | Danny McClanahan P. O. Box 547 Oakwood, VA 24631 | 7.61 acres | 9.5125% | 0.54670% | 1.55528% |

Tract #3C1, 0.56 acres

Escrow due to Title Conflict / Surface Owner Claim

COAL FEE OWNERSHIP

| | | | | | |
|-----|---|------------|---------|----------|----------|
| (1) | Hurt McGuire c/o Charles Green P.O. Box 1067 Bluefield, VA 24605 | 0.56 acres | 0.7000% | 0.04023% | 0.11445% |
|-----|---|------------|---------|----------|----------|

OIL & GAS FEE OWNERSHIP

| | | | | | |
|-----|--|------------------------------------|---------|----------|----------|
| | Linkous Horn Heirs, Devisees, Successors or Assigns | 0.56 acres | 0.7000% | 0.04023% | 0.11445% |
| (1) | Arizona Osborne Heirs, Devisees, Successors or Assigns | | | | |
| (a) | Sydney Smith 1911 McVetty Road Salem, VA 24153 | 0.0187 acres 1/30 of 0.56 acres | 0.0233% | 0.00134% | 0.00381% |
| (b) | Kenneth R. Osborne 848 Peyton Street Roanoke, VA 24019 | 0.0187 acres 1/30 of 0.56 acres | 0.0233% | 0.00134% | 0.00381% |
| (c) | Martha Williams | 0.0187 acres | 0.0233% | 0.00134% | 0.00381% |

Exhibit E
Unit S-36
Docket # VGOB 98-0324-0626-04
List of Conflicting Owners/Claimants that require escrow

| | Acres in Unit | Percent of Unit | Division of Interest in | |
|--|--|-----------------|-------------------------|----------------------|
| | | | 6-Right 5.74713% | 7-Right 16.34981% |
| 1911 McVetty Road Salem, VA 24153 | 1/30 of 0.56 acres | | | |
| (2) Lydia Bell Blankenship Heirs, Devisees, Successors or Assigns | | | | |
| (a) Noah & Mary Jane Keen Rt. 1, Box 154 Raven, VA 24639 | 0.0051 acres 1/110 of 0.56 acres | 0.0064% | 0.00037% | 0.00104% |
| (b) Shirley Keen Rt.1 Box 159R Raven, VA 24639 | 0.0051 acres 1/110 of 0.56 acres | 0.0064% | 0.00037% | 0.00104% |
| (c) Patsy & Clyde Moore Rt. 1, Box 138 Raven, VA 24639 | 0.0051 acres 1/110 of 0.56 acres | 0.0064% | 0.00037% | 0.00104% |
| (d) Brenda Sue & Eddie Justice P. O. Box 627 Keen Mountain, VA 24624 | 0.0051 acres 1/110 of 0.56 acres | 0.0064% | 0.00037% | 0.00104% |
| (e) James R. Osborne P. O. Box 484 Keen Mountain, VA 24624 | 0.0051 acres 1/110 of 0.56 acres | 0.0064% | 0.00037% | 0.00104% |
| (f) Clifford Osborne Heirs, Devisees, Successors or Assigns | | | | |
| (f.1) Phyllis W. Osborne Rt.1 Box 157E Raven, VA 24639 | 0.0051 acres 1/110 of 0.56 acres | 0.0064% | 0.00037% | 0.00104% |
| (g) Ronnie & Sherry Osborne P. O. Box 12 Oakwood, VA 24631 | 0.0051 acres 1/110 of 0.56 acres | 0.0064% | 0.00037% | 0.00104% |
| (h) Charles M. Osborne 216 Plantation Drive Richlands, VA 24641 | 0.0051 acres 1/110 of 0.56 acres | 0.0064% | 0.00037% | 0.00104% |
| (i) Richard & Debbie Osborne P. O. Box 541 Keen Mountain, VA 24624 | 0.0051 acres 1/110 of 0.56 acres | 0.0064% | 0.00037% | 0.00104% |
| (j) William Osborne Heirs, Devisees, Successors or Assigns | | | | |
| (j.1) Ruth Keen | <i>(Deed of Gift to Joyce Lineberry 3/16/03)</i> | | | |
| (j.1.1) Joyce Lineberry 110 Barn View Lane Woodleaf, NC 27054 | 0.0051 acres 1/110 of 0.56 acres | 0.0064% | 0.00037% | 0.00104% |
| (k) John David Osborne Heirs, Devisees, Successors or Assigns | | | | |

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Unit S-36
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| | Acres in Unit | Percent of Unit | Division of Interest in | |
|---|-------------------------------------|------------------------|--------------------------------|------------------|
| | | | 6-Right | 7-Right |
| | | | 5.74713% | 16.34981% |
| (k.1) Darlene B. Osborne Rt.1 Box 157 Raven, VA 24639 | 0.0051 acres 1/110 of 0.56 acres | 0.0064% | 0.00037% | 0.00104% |
| (3) Henry Horn Heirs, Devisees, Successors or Assigns | | | | |
| (a) Perry W. Horn P.O. Box 33 Raven, VA 24639 | 0.0187 acres 1/30 of 0.56 acres | 0.0233% | 0.00134% | 0.00381% |
| (b) Larry M. Horn Heirs, Devisees, Successors or Assigns <i>Heirs / Address Unknown</i> | 0.0187 acres 1/30 of 0.56 acres | 0.0233% | 0.00134% | 0.00381% |
| (c) Ivory Horn Heirs, Devisees, Successors or Assigns | | | | |
| (c.1) Patricia D. Horton P.O. Box 65 Raven, VA 24639 | 0.0031 acres 1/180 of 0.56 acres | 0.0039% | 0.00022% | 0.00064% |
| (c.2) Nellie A. Maynard P.O. Box 296 Raven, VA 24639 | 0.0031 acres 1/180 of 0.56 acres | 0.0039% | 0.00022% | 0.00064% |
| (c.3) Tammy D. Boyd 195 Taylor Circle Raven, VA 24639 | 0.0031 acres 1/180 of 0.56 acres | 0.0039% | 0.00022% | 0.00064% |
| (c.4) Margaret E. Dye 784 Big Creek Road Richlands, VA 24641 | 0.0031 acres 1/180 of 0.56 acres | 0.0039% | 0.00022% | 0.00064% |
| (c.5) Danny W. Elder P.O. Box 296 Raven, VA 24639 | 0.0031 acres 1/180 of 0.56 acres | 0.0039% | 0.00022% | 0.00064% |
| (c.6) Robert G. Elder P.O. Box 65 Raven, VA 24639 | 0.0031 acres 1/180 of 0.56 acres | 0.0039% | 0.00022% | 0.00064% |
| (4) Thelma H. Osborne P. O. Box 33 Raven, VA 24639 | 0.0560 acres 1/10 of 0.56 acres | 0.0700% | 0.00402% | 0.01144% |
| (5) Joseph P. Horn P. O. Box 775 Raven, VA 24639 | 0.0560 acres 1/10 of 0.56 acres | 0.0700% | 0.00402% | 0.01144% |
| (6) Nancy Ann Horn Stilwell Rt. 4, Box 722 North Tazewell, VA 24630 | 0.0560 acres 1/10 of 0.56 acres | 0.0700% | 0.00402% | 0.01144% |
| (7) Earnest Horn Heirs, Devisees, Successors or Assigns | | | | |

Exhibit E
Unit S-36
Docket # VGOB 98-0324-0626-04
List of Conflicting Owners/Claimants that require escrow

| | Acres in Unit | Percent of Unit | Division of Interest in | |
|---|--------------------------------------|-----------------|-------------------------|----------------------|
| | | | 6-Right 5.74713% | 7-Right 16.34981% |
| (c.5) Danny W. Elder P.O. Box 296 Raven, VA 24639 | 0.1524 acres 1/180 of 27.44 acres | 0.1906% | 0.01095% | 0.03116% |
| (c.6) Robert G. Elder P.O. Box 65 Raven, VA 24639 | 0.1524 acres 1/180 of 27.44 acres | 0.1906% | 0.01095% | 0.03116% |
| (4) Thelma H. Osborne P. O. Box 33 Raven, VA 24639 | 2.7440 acres 1/10 of 27.44 acres | 3.4300% | 0.19713% | 0.56080% |
| (5) Joseph P. Horn P. O. Box 775 Raven, VA 24639 | 2.7440 acres 1/10 of 27.44 acres | 3.4300% | 0.19713% | 0.56080% |
| (6) Nancy Ann Horn Stilwell Rt. 4, Box 722 North Tazewell, VA 24630 | 2.7440 acres 1/10 of 27.44 acres | 3.4300% | 0.19713% | 0.56080% |
| (7) Earnest Horn Heirs, Devisees, Successors or Assigns | | | | |
| (a) Dorothy Horn 305 Bane Bottom Avenue Cedar Bluff, VA 24609 | 2.7440 acres 1/10 of 27.44 acres | 3.4300% | 0.19713% | 0.56080% |
| (8) Martha Smith P. O. Box 395 Max Meadows, VA 24360 | 2.7440 acres 1/10 of 27.44 acres | 3.4300% | 0.19713% | 0.56080% |
| (9) Sarah Horn Day P. O. Box 208 Peterstown, WV 24963 | 2.7440 acres 1/10 of 27.44 acres | 3.4300% | 0.19713% | 0.56080% |
| (10) Carl Horn Heirs, Devisees, Successors or Assigns | | | | |
| (a) Marilyn Taylor RR1 Box 1445 Pounding Mill, VA 24637 | 2.7440 acres 1/10 of 27.44 acres | 3.4300% | 0.19713% | 0.56080% |

Tract #3C, 7.61 acres

Escrow due to Title Conflict / Surface Owner Claim

COAL FEE OWNERSHIP

| | | | | |
|---|------------|---------|----------|----------|
| (1) Hurt McGuire ✓ c/o Charles Green P.O. Box 1067 Bluefield, VA 24605 | 7.61 acres | 9.5125% | 0.54670% | 1.55528% |
|---|------------|---------|----------|----------|

OIL & GAS FEE OWNERSHIP

| | | | | |
|--|------------|---------|----------|----------|
| Linkous Horn Heirs, Devisees, ✓ Successors or Assigns | 7.61 acres | 9.5125% | 0.54670% | 1.55528% |
|--|------------|---------|----------|----------|

Exhibit E
Unit S-36
Docket # VGOB 98-0324-0626-04
List of Conflicting Owners/Claimants that require escrow

| | Acres in Unit | Percent of Unit | Division of Interest in 6-Right 5.74713% | 7-Right 16.34981% |
|--|-------------------------------------|-----------------|--|----------------------|
| (1) Arizona Osborne Heirs, Devisees, Successors or Assigns ✓ | | | | |
| (a) Sydney Smith ✓ 1911 McVetty Road Salem, VA 24153 | 0.2537 acres 1/30 of 7.61 acres | 0.3171% | 0.01822% | 0.05184% |
| (b) Kenneth R. Osborne 848 Peyton Street Roanoke, VA 24019 | 0.2537 acres 1/30 of 7.61 acres | 0.3171% | 0.01822% | 0.05184% |
| (c) Martha Williams ✓ 1911 McVetty Road Salem, VA 24153 | 0.2537 acres 1/30 of 7.61 acres | 0.3171% | 0.01822% | 0.05184% |
| (2) Lydia Bell Blankenship Heirs, Devisees, Successors or Assigns ✓ | | | | |
| (a) Noah & Mary Jane Keen ✓ Rt. 1, Box 154 Raven, VA 24639 | 0.0692 acres 1/110 of 7.61 acres | 0.0865% | 0.00497% | 0.01414% |
| (b) Shirley Keen ✓ Rt.1 Box 159R Raven, VA 24639 | 0.0692 acres 1/110 of 7.61 acres | 0.0865% | 0.00497% | 0.01414% |
| (c) Patsy & Clyde Moore ✓ Rt. 1, Box 138 ✓ Raven, VA 24639 | 0.0692 acres 1/110 of 7.61 acres | 0.0865% | 0.00497% | 0.01414% |
| (d) Brenda Sue & Eddie Justice P. O. Box 627 Keen Mountain, VA 24624 | 0.0692 acres 1/110 of 7.61 acres | 0.0865% | 0.00497% | 0.01414% |
| (e) James R. Osborne ✓ P. O. Box 484 ✓ Keen Mountain, VA 24624 | 0.0692 acres 1/110 of 7.61 acres | 0.0865% | 0.00497% | 0.01414% |
| (f) Clifford Osborne Heirs, Devisees, Successors or Assigns ✓ | | | | |
| (f.1) Phyllis W. Osborne ✓ Rt.1 Box 157E ✓ Raven, VA 24639 | 0.0692 acres 1/110 of 7.61 acres | 0.0865% | 0.00497% | 0.01414% |
| (g) Ronnie & Sherry Osborne ✓ P. O. Box 12 ✓ Oakwood, VA 24631 | 0.0692 acres 1/110 of 7.61 acres | 0.0865% | 0.00497% | 0.01414% |
| (h) Charles M. Osborne ✓ 216 Plantation Drive ✓ Richlands, VA 24641 | 0.0692 acres 1/110 of 7.61 acres | 0.0865% | 0.00497% | 0.01414% |
| (i) Richard & Debbie Osborne ✓ P. O. Box 541 ✓ Keen Mountain, VA 24624 ✓ | 0.0692 acres 1/110 of 7.61 acres | 0.0865% | 0.00497% | 0.01414% |
| (j) William Osborne Heirs, Devisees, Successors or Assigns | | | | |

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Unit S-36
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| | Acres in Unit | Percent of Unit | Division of Interest in 6-Right 5.74713% | 7-Right 16.34981% |
|--|-------------------------------------|-----------------|--|----------------------|
| (j.1) Ruth Keen ✓ (Deed of Gift to Joyce Lineberry 3/16/03) | | | | |
| (j.1.1) Joyce Lineberry 110 Barn View Lane Woodleaf, NC 27054 ✓ | 0.0692 acres 1/110 of 7.61 acres | 0.0865% | 0.00497% | 0.01414% |
| (k) John David Osborne Heirs, Devisees, Successors or Assigns ✓ | | | | |
| (k.1) Darlene B. Osborne Rt.1 Box 157 ✓ Raven, VA 24639 | 0.0692 acres 1/110 of 7.61 acres | 0.0865% | 0.00497% | 0.01414% |
| (3) Henry Horn Heirs, Devisees, Successors or Assigns | | | | |
| (a) Perry W. Horn ✓ P.O. Box 33 Raven, VA 24639 | 0.2537 acres 1/30 of 7.61 acres | 0.3171% | 0.01822% | 0.05184% |
| (b) Larry M. Horn Heirs, Devisees, Successors or Assigns Heirs / Address Unknown | 0.2537 acres 1/30 of 7.61 acres | 0.3171% | 0.01822% | 0.05184% |
| (c) Ivory Horn Heirs, Devisees, Successors or Assigns | | | | |
| (c.1) Patricia D. Horton P.O. Box 65 Raven, VA 24639 | 0.0423 acres 1/180 of 7.61 acres | 0.0528% | 0.00304% | 0.00864% |
| (c.2) Nellie A. Maynard P.O. Box 296 Raven, VA 24639 | 0.0423 acres 1/180 of 7.61 acres | 0.0528% | 0.00304% | 0.00864% |
| (c.3) Tammy D. Boyd ✓ 195 Taylor Circle Raven, VA 24639 | 0.0423 acres 1/180 of 7.61 acres | 0.0528% | 0.00304% | 0.00864% |
| (c.4) Margaret E. Dye ✓ 784 Big Creek Road Richlands, VA 24641 | 0.0423 acres 1/180 of 7.61 acres | 0.0528% | 0.00304% | 0.00864% |
| (c.5) Danny W. Elder P.O. Box 296 Raven, VA 24639 | 0.0423 acres 1/180 of 7.61 acres | 0.0528% | 0.00304% | 0.00864% |
| (c.6) Robert G. Elder P.O. Box 65 Raven, VA 24639 | 0.0423 acres 1/180 of 7.61 acres | 0.0528% | 0.00304% | 0.00864% |
| (4) Thelma H. Osborne P. O. Box 33 Raven, VA 24639 | 0.7610 acres 1/10 of 7.61 acres | 0.9513% | 0.05467% | 0.15553% |
| (5) Joseph P. Horn P. O. Box 775 Raven, VA 24639 | 0.7610 acres 1/10 of 7.61 acres | 0.9513% | 0.05467% | 0.15553% |

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| | Acres in Unit | Percent of Unit | Division of Interest in 6-Right 5.74713% | 7-Right 16.34981% |
|---|------------------------------------|-----------------|--|----------------------|
| (a) Dorothy Horn 305 Bane Bottom Avenue Cedar Bluff, VA 24609 | 0.0560 acres 1/10 of 0.56 acres | 0.0700% | 0.00402% | 0.01144% |
| (8) Martha Smith P. O. Box 395 Max Meadows, VA 24360 | 0.0560 acres 1/10 of 0.56 acres | 0.0700% | 0.00402% | 0.01144% |
| (9) Sarah Horn Day P. O. Box 208 Peterstown, WV 24963 | 0.0560 acres 1/10 of 0.56 acres | 0.0700% | 0.00402% | 0.01144% |
| (10) Carl Horn Heirs, Devisees, Successors or Assigns | | | | |
| (a) Marilyn Taylor RR1 Box 1445 Pounding Mill, VA 24637 | 0.0560 acres 1/10 of 0.56 acres | 0.0700% | 0.00402% | 0.01144% |
| - OR - | | | | |
| (2) Thomas Stilwell Heirs, Devisees, Successors or Assigns | 0.56 acres | 0.7000% | 0.04023% | 0.11445% |
| (a) Beulah V. Osborne HC 62, Box 109 Raven, VA 24639 | 0.0700 acres 1/8 of 0.56 acres | 0.0875% | 0.00503% | 0.01431% |
| (b) Martha J. Stilwell HC 62, Box 95 Raven, VA 24639 | 0.0700 acres 1/8 of 0.56 acres | 0.0875% | 0.00503% | 0.01431% |
| (c) Virginia N. Stilwell HC 62, Box 97 Raven, VA 24639 | 0.0700 acres 1/8 of 0.56 acres | 0.0875% | 0.00503% | 0.01431% |
| (d) Arthur M. Stilwell P.O. Box 314 Raven, VA 24639 | 0.0700 acres 1/8 of 0.56 acres | 0.0875% | 0.00503% | 0.01431% |
| (e) Exie Osborne Heirs, Devisees, Successors or Assigns | | | | |
| (e.1) Myrtle Smith Heirs, Devisees, Successors or Assigns | | | | |
| (e.1.1) Nancy Jackson P.O. Box 448 Doran, VA 24612 | 0.0058 acres 1/96 of 0.56 acres | 0.0073% | 0.00042% | 0.00119% |
| (e.1.2) Darlene Ward 117 Franklin Avenue Richlands, VA 24641 | 0.0058 acres 1/96 of 0.56 acres | 0.0073% | 0.00042% | 0.00119% |
| (e.2) Maxie Boyd P.O. Box 972 Raven, VA 24639 | 0.0117 acres 1/48 of 0.56 acres | 0.0146% | 0.00084% | 0.00238% |

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| | Acres in Unit | Percent of Unit | Division of Interest in | |
|--|------------------------------------|-----------------|-------------------------|----------------------|
| | | | 6-Right 5.74713% | 7-Right 16.34981% |
| (e.3) Ruth Osborne Smith P.O. Box 672 Doran, VA 24612 | 0.0117 acres 1/48 of 0.56 acres | 0.0146% | 0.00084% | 0.00238% |
| (e.4) Judy Blankenship Box 221 Doran, VA 24612 | 0.0117 acres 1/48 of 0.56 acres | 0.0146% | 0.00084% | 0.00238% |
| (e.5) John Osborne Box 6 Shortt Gap, VA 24647 | 0.0117 acres 1/48 of 0.56 acres | 0.0146% | 0.00084% | 0.00238% |
| (e.6) Ida Proffitt Box 6 Shortt Gap, VA 24647 | 0.0117 acres 1/48 of 0.56 acres | 0.0146% | 0.00084% | 0.00238% |
| (f) Hubbard Osborne HC 62, Box 89 Raven, VA 24639 | 0.0078 acres 1/72 of 0.56 acres | 0.0097% | 0.00056% | 0.00159% |
| (g) Linda S. Shelton ✓ P. O. Box 521 Pounding Mill, VA 24637 | 0.0078 acres 1/72 of 0.56 acres | 0.0097% | 0.00056% | 0.00159% |
| (h) Jerline Davis 118 Coronado Road North Tazewell, VA 24630 | 0.0078 acres 1/72 of 0.56 acres | 0.0097% | 0.00056% | 0.00159% |
| (i) Arlin W. Osborne P. O. Box 446 Raven, VA 24639 | 0.0078 acres 1/72 of 0.56 acres | 0.0097% | 0.00056% | 0.00159% |
| (j) Jackie D. Osborne Rt. 1, Box 209 Raven, VA 24639 | 0.0078 acres 1/72 of 0.56 acres | 0.0097% | 0.00056% | 0.00159% |
| (k) Daniel J. Osborne 100 Third Street, SW No.D77 Mandan, ND 58554 | 0.0078 acres 1/72 of 0.56 acres | 0.0097% | 0.00056% | 0.00159% |
| (l) Sylvia A. Shelton 549 Jacks Creek Road Raven, VA 24639 | 0.0078 acres 1/72 of 0.56 acres | 0.0097% | 0.00056% | 0.00159% |
| (m) Marvin J. Osborne P. O. Box 537 Richlands, VA 24641 | 0.0078 acres 1/72 of 0.56 acres | 0.0097% | 0.00056% | 0.00159% |
| (n) Lois Casey P. O. Box 521 Pounding Mill, VA 24637 | 0.0078 acres 1/72 of 0.56 acres | 0.0097% | 0.00056% | 0.00159% |
| (o) Cora Arnold Heirs, Devisees, Successors or Assigns | | | | |
| (o.1) James H. Arnold, widower P. O. Box 626 Raven, VA 24637 | 0.0233 acres 1/24 of 0.56 acres | 0.0292% | 0.00168% | 0.00477% |

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| | Acres in Unit | Percent of Unit | Division of Interest in 6-Right 5.74713% | 7-Right 16.34981% |
|--|------------------------------------|------------------------|---|--------------------------|
| (o) Leonard C. Stilwell P. O. Box 932 Raven, VA 24639 | 0.0078 acres 1/72 of 0.56 acres | 0.0097% | 0.00056% | 0.00159% |
| (p) Jay C. Stilwell Heirs, Devisees, Successors or Assigns | | | | |
| (p.1) Connie Stilwell, widow P. O. Box 1035 Raven, VA 24639 | 0.0078 acres 1/72 of 0.56 acres | 0.0097% | 0.00056% | 0.00159% |
| (q) Wanda Hagy P. O. Box 1738 Richlands, VA 24641 | 0.0078 acres 1/72 of 0.56 acres | 0.0097% | 0.00056% | 0.00159% |
| (r) Bessie Lowe P. O. Box 47 Shortt Gap, VA 24647 | 0.0078 acres 1/72 of 0.56 acres | 0.0097% | 0.00056% | 0.00159% |
| (s) Theodore Stilwell HC66 Box 112A Whitewood, VA 24657 | 0.0078 acres 1/72 of 0.56 acres | 0.0097% | 0.00056% | 0.00159% |
| (t) Curtis Stilwell P.O. Box 908 Pounding Mill, VA 24637 | 0.0078 acres 1/72 of 0.56 acres | 0.0097% | 0.00056% | 0.00159% |
| (u) Bernadine R. Lisburg 1418 First Avenue South Fargo, ND 58103 | 0.0233 acres 1/24 of 0.56 acres | 0.0292% | 0.00168% | 0.00477% |
| (v) Gladys E. Pollert 1121 29 Street NW Fargo, ND 58102 | 0.0078 acres 1/72 of 0.56 acres | 0.0097% | 0.00056% | 0.00159% |
| (w) David W. Stilwell 244 Texas Street, Apt #214 Rapid City, SD 57701 | 0.0078 acres 1/72 of 0.56 acres | 0.0097% | 0.00056% | 0.00159% |
| (x) Thomas H. Stilwell 27 Horseshoe Bend Fargo, ND 58104 | 0.0078 acres 1/72 of 0.56 acres | 0.0097% | 0.00056% | 0.00159% |
| (y) Quentin A. Stilwell P. O. Box 154 Rhame, ND 58651 | 0.0078 acres 1/72 of 0.56 acres | 0.0097% | 0.00056% | 0.00159% |
| (z) Daniel J. Stilwell 100 Third Street SW No.D77 Mandan, ND 58554 | 0.0078 acres 1/72 of 0.56 acres | 0.0097% | 0.00056% | 0.00159% |
| (aa) Bernice R. Lamb 2225 Second Avenue West International Falls, MN 56649 | 0.0078 acres 1/72 of 0.56 acres | 0.0097% | 0.00056% | 0.00159% |

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| | | Acres in Unit | Percent of Unit | Division of Interest in 6-Right 5.74713% | 7-Right 16.34981% |
|---|---|------------------------------------|-----------------|--|----------------------|
| <u>OIL & GAS CLAIMANT, (Surface Owner)</u> | | | | | |
| (3) | Danny McClanahan P. O. Box 547 Oakwood, VA 24631 | 0.56 acres | 0.7000% | 0.04023% | 0.11445% |
| <u>Tract #4, 7.57 acres</u> | | | | | |
| <u>COAL FEE OWNERSHIP</u> | | | | | |
| (1) | Hurt McGuire c/o Charles Green P.O. Box 1067 Bluefield, VA 24605 | 7.57 acres | 9.4625% | 0.54382% | 1.54710% |
| <u>OIL & GAS FEE OWNERSHIP</u> | | | | | |
| (1) | Thomas Stilwell Heirs, Devises, Successors or Assigns | 7.57 acres | 9.4625% | 0.54382% | 1.54710% |
| (d) | Arthur M. Stilwell ✓ P.O. Box 314 Raven, VA 24639 | 0.9463 acres 1/8 of 7.57 acres | 1.1828% | 0.06798% | 0.19339% |
| (g) | Linda S. Shelton P. O. Box 521 Pounding Mill, VA 24637 | 0.1051 acres 1/72 of 7.57 acres | 0.1314% | 0.00755% | 0.02149% |
| (h) | Jerline Davis ✓ 118 Coronado Road North Tazewell, VA 24630 | 0.1051 acres 1/72 of 7.57 acres | 0.1314% | 0.00755% | 0.02149% |
| (k) | Daniel J. Osborne ✓ 100 Third Street, SW No.D77 Mandan, ND 58554 | 0.1051 acres 1/72 of 7.57 acres | 0.1314% | 0.00755% | 0.02149% |
| (l) | Sylvia A. Shelton ✓ 549 Jacks Creek Road Raven, VA 24639 | 0.1051 acres 1/72 of 7.57 acres | 0.1314% | 0.00755% | 0.02149% |
| (n) | Lois Casey ✓ P. O. Box 521 Pounding Mill, VA 24637 | 0.1051 acres 1/72 of 7.57 acres | 0.1314% | 0.00755% | 0.02149% |
| (o) | Cora Arnold Heirs, Devises, Successors or Assigns ✓ | | | | |
| (o.1) | James H. Arnold, widower ✓ P. O. Box 626 Raven, VA 24637 | 0.3154 acres 1/24 of 7.57 acres | 0.3943% | 0.02266% | 0.06446% |
| (s) | Theodore Stilwell HC66 Box 112A Whitewood, VA 24657 | 0.1051 acres 1/72 of 7.57 acres | 0.1314% | 0.00755% | 0.02149% |
| (t) | Curtis Stilwell ✓ P.O. Box 908 Pounding Mill, VA 24637 | 0.1051 acres 1/72 of 7.57 acres | 0.1314% | 0.00755% | 0.02149% |

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| | Acres in Unit | Percent of Unit | Division of Interest in | |
|---|------------------------------------|-----------------|-------------------------|----------------------|
| | | | 6-Right 5.74713% | 7-Right 16.34981% |
| (y) Quentin A. Stilwell P. O. Box 154 Rhame, ND 58651 | 0.1051 acres 1/72 of 7.57 acres | 0.1314% | 0.00755% | 0.02149% |

Exhibit EE
Unit S-36
Docket #VGOB 98-0324-0626-04
List of Conflicting Owners/Claimants with Royalty Split Agreements

| | Acres in Unit | Percent of Unit | Division of Interest in 6-Right 5.74713% | 7-Right 16.34981% |
|---|------------------------------------|-----------------|--|----------------------|
| <u>Tract #4, 7.57 acres</u> | | | | |
| <u>COAL FEE OWNERSHIP</u> | | | | |
| (1) Hurt McGuire c/o Charles Green P.O. Box 1067 Bluefield, VA 24605 | 7.57 acres | 9.4625% | 0.54382% | 1.54710% |
| <u>OIL & GAS FEE OWNERSHIP</u> | | | | |
| (1) Thomas Stilwell Heirs, Devisees, Successors or Assigns | 7.57 acres | 9.4625% | 0.54382% | 1.54710% |
| (a) Beulah V. Osborne HC 62, Box 109 Raven, VA 24639 | 0.9463 acres 1/8 of 7.57 acres | 1.1828% | 0.06798% | 0.19339% |
| (b) Martha J. Stilwell HC 62, Box 95 Raven, VA 24639 | 0.9463 acres 1/8 of 7.57 acres | 1.1828% | 0.06798% | 0.19339% |
| (c) Virginia N. Stilwell HC 62, Box 97 Raven, VA 24639 | 0.9463 acres 1/8 of 7.57 acres | 1.1828% | 0.06798% | 0.19339% |
| (e) Exie Osborne Heirs, Devisees, Successors or Assigns | | | | |
| (e.1) Myrtle Smith Heirs, Devisees, Successors or Assigns | | | | |
| (e.1.1) Nancy Jackson P.O. Box 448 Doran, VA 24612 | 0.0789 acres 1/96 of 7.57 acres | 0.0986% | 0.00566% | 0.01612% |
| (e.1.2) Darlene Ward 117 Franklin Avenue Richlands, VA 24641 | 0.0789 acres 1/96 of 7.57 acres | 0.0986% | 0.00566% | 0.01612% |
| (e.2) Maxie Boyd P.O. Box 972 Raven, VA 24639 | 0.1577 acres 1/48 of 7.57 acres | 0.1971% | 0.01133% | 0.03223% |
| (e.3) Ruth Osborne Smith P.O. Box 672 Doran, VA 24612 | 0.1577 acres 1/48 of 7.57 acres | 0.1971% | 0.01133% | 0.03223% |
| (e.4) Judy Blankenship Box 221 Doran, VA 24612 | 0.1577 acres 1/48 of 7.57 acres | 0.1971% | 0.01133% | 0.03223% |
| (e.5) John Osborne Box 6 Shortt Gap, VA 24647 | 0.1577 acres 1/48 of 7.57 acres | 0.1971% | 0.01133% | 0.03223% |

Exhibit EE
Unit S-36
Docket #VGOB 98-0324-0626-04
List of Conflicting Owners/Claimants with Royalty Split Agreements

| | Acres in Unit | Percent of Unit | Division of Interest in 6-Right 5.74713% | 7-Right 16.34981% |
|---|------------------------------------|------------------------|---|------------------------------|
| (e.6) Ida Proffitt Box 6 Shortt Gap, VA 24647 | 0.1577 acres 1/48 of 7.57 acres | 0.1971% | 0.01133% | 0.03223% |
| (f) Hubbard Osborne HC 62, Box 89 Raven, VA 24639 | 0.1051 acres 1/72 of 7.57 acres | 0.1314% | 0.00755% | 0.02149% |
| (i) Arlin W. Osborne P. O. Box 446 Raven, VA 24639 | 0.1051 acres 1/72 of 7.57 acres | 0.1314% | 0.00755% | 0.02149% |
| (j) Jackie D. Osborne Rt. 1, Box 209 Raven, VA 24639 | 0.1051 acres 1/72 of 7.57 acres | 0.1314% | 0.00755% | 0.02149% |
| (m) Marvin J. Osborne P. O. Box 537 Richlands, VA 24641 | 0.1051 acres 1/72 of 7.57 acres | 0.1314% | 0.00755% | 0.02149% |
| (o) Leonard C. Stilwell P. O. Box 932 Raven, VA 24639 | 0.1051 acres 1/72 of 7.57 acres | 0.1314% | 0.00755% | 0.02149% |
| (p) Jay C. Stilwell Heirs, Devisees, Successors or Assigns | | | | |
| (p.1) Connie Stilwell, widow P. O. Box 1035 Raven, VA 24639 | 0.1051 acres 1/72 of 7.57 acres | 0.1314% | 0.00755% | 0.02149% |
| (q) Wanda Hagy P. O. Box 1738 Richlands, VA 24641 | 0.1051 acres 1/72 of 7.57 acres | 0.1314% | 0.00755% | 0.02149% |
| (r) Bessie Lowe P. O. Box 47 Shortt Gap, VA 24647 | 0.1051 acres 1/72 of 7.57 acres | 0.1314% | 0.00755% | 0.02149% |
| (u) Bernadine R. Lisburg 1418 First Avenue South Fargo, ND 58103 | 0.3154 acres 1/24 of 7.57 acres | 0.3943% | 0.02266% | 0.06446% |
| (v) Gladys E. Pollert 1121 29 Street NW Fargo, ND 58102 | 0.1051 acres 1/72 of 7.57 acres | 0.1314% | 0.00755% | 0.02149% |
| (w) David W. Stilwell 244 Texas Street, Apt #214 Rapid City, SD 57701 | 0.1051 acres 1/72 of 7.57 acres | 0.1314% | 0.00755% | 0.02149% |
| (x) Thomas H. Stilwell 27 Horseshoe Bend Fargo, ND 58104 | 0.1051 acres 1/72 of 7.57 acres | 0.1314% | 0.00755% | 0.02149% |
| (z) Daniel J. Stilwell 100 Third Street SW No.D77 Mandan, ND 58554 | 0.1051 acres 1/72 of 7.57 acres | 0.1314% | 0.00755% | 0.02149% |

Exhibit EE
Unit S-36
Docket #VGOB 98-0324-0626-04
List of Conflicting Owners/Claimants with Royalty Split Agreements

| | Acres in Unit | Percent of Unit | Division of Interest in | |
|--|------------------------------------|-----------------|-------------------------|----------------------|
| | | | 6-Right 5.74713% | 7-Right 16.34981% |
| (aa) Bernice R. Lamb 2225 Second Avenue West International Falls, MN 56649 | 0.1051 acres 1/72 of 7.57 acres | 0.1314% | 0.00755% | 0.02149% |

VIRGINIA: In the Clerk's Office of the Circuit Court of Buchanan County. The foregoing instrument was this day presented in the office aforesaid and is, together with the certificate of acknowledgment annexed, admitted to record this 26th day of September, 2006 1:52 P. M. The tax imposed by §587.1-802 of the Code has been paid in the amount of \$.
Deed Book No. and Page No. . TESTE: James M. Bevens, Jr., Clerk
Returned to: James M. Bevens, Jr. TESTE: Shirley S. Jellison Deputy Clerk

BL
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INSTRUMENT #060003145
RECORDED IN THE CLERK'S OFFICE OF
BUCHANAN COUNTY ON
SEPTEMBER 26, 2006 AT 01:52PM
JAMES M. BEVINS, CLERK
RECORDED BY: AKT

Exhibit EE
Unit S-36
Docket #VGOB 98-0324-0626-04
List of Conflicting Owners/Claimants with Royalty Split Agreements

| | Acres in Unit | Percent of Unit | Division of Interest in | | Percent of Escrow |
|--|------------------------------------|------------------------|--------------------------------|------------------------------|--------------------------|
| | | | 6-Right 5.74713% | 7-Right 16.34981% | |
| (m) Marvin J. Osborne P. O. Box 537 Richlands, VA 24641 | 0.1051 acres 1/72 of 7.57 acres | 0.1314% | 0.00755% | 0.02149% | n/a |
| (n) Lois Casey P.O. Box 521 Pounding Mill, VA 24637 | 0.1051 acres 1/72 of 7.57 acres | 0.1314% | 0.00755% | 0.02149% | 0.1394% |
| (o) Leonard C. Stilwell P. O. Box 932 Raven, VA 24639 | 0.1051 acres 1/72 of 7.57 acres | 0.1314% | 0.00755% | 0.02149% | n/a |
| (p) Jay C. Stilwell Heirs, Devisees, Successors or Assigns | | | | | |
| (p.1) Connie Stilwell, widow P. O. Box 1035 Raven, VA 24639 | 0.1051 acres 1/72 of 7.57 acres | 0.1314% | 0.00755% | 0.02149% | n/a |
| (q) Wanda Hagy P. O. Box 1738 Richlands, VA 24641 | 0.1051 acres 1/72 of 7.57 acres | 0.1314% | 0.00755% | 0.02149% | n/a |
| (r) Bessie Lowe P. O. Box 47 Shortt Gap, VA 24647 | 0.1051 acres 1/72 of 7.57 acres | 0.1314% | 0.00755% | 0.02149% | n/a |
| (u) Bernadine R. Lisburg 1418 First Avenue South Fargo, ND 58103 | 0.3154 acres 1/24 of 7.57 acres | 0.3943% | 0.02266% | 0.06446% | n/a |
| (v) Gladys E. Pollert 1121 29 Street NW Fargo, ND 58102 | 0.1051 acres 1/72 of 7.57 acres | 0.1314% | 0.00755% | 0.02149% | n/a |
| (w) David W. Stilwell 244 Texas Street, Apt #214 Rapid City, SD 57701 | 0.1051 acres 1/72 of 7.57 acres | 0.1314% | 0.00755% | 0.02149% | n/a |
| (x) Thomas H. Stilwell 27 Horseshoe Bend Fargo, ND 58104 | 0.1051 acres 1/72 of 7.57 acres | 0.1314% | 0.00755% | 0.02149% | n/a |
| (y) Quentin A. Stilwell P.O. Box 154 Rhome, ND 58651 | 0.1051 acres 1/72 of 7.57 acres | 0.1314% | 0.00755% | 0.02149% | 0.1394% |
| (z) Daniel J. Stilwell 100 Third Street SW No.D77 Mandan, ND 58554 | 0.1051 acres 1/72 of 7.57 acres | 0.1314% | 0.00755% | 0.02149% | n/a |
| (aa) Bernice R. Lamb 2225 Second Avenue West International Falls, MN 56649 | 0.1051 acres 1/72 of 7.57 acres | 0.1314% | 0.00755% | 0.02149% | n/a |